



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DRAFT

Mr. Walt Harner, Director
Bureau of Waste Management
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Dear Mr. Harner,

This letter concerns issues raised by the Pennsylvania Department of Environmental Protection's (PADEP's) issuance of General Permit for Beneficial Use - WMGR096, which allows for the use of "regulated fill" containing Polychlorinated Biphenyls (PCBs) at concentrations between 2 and 200 parts per million (ppm), depending on the Aroclor, for a total PCB concentration of up to 484.5 ppm, as construction material at permitted sites. Pursuant to the federal Toxic Substances and Control Act, 15 U.S.C. Section 2601 et seq. (TSCA), and regulations at 40 C.F.R. Part 761, the use of PCB-containing material in non-residential areas is limited to less than 2 ppm total PCBs. Therefore, EPA has determined that the PCB concentrations set forth in WMGR096 are in conflict with the requirements of TSCA. Consequently, PADEP should immediately inform permittee's that "regulated fill" containing total PCBs at concentrations of greater than or equal to 2 ppm should not be accepted until further notice.

EPA is further analyzing other issues associated with General Permit for Beneficial Use - WMGR096, as well as PADEP's Clean Fill Policy, and will be contacting you in the near future to discuss EPA's analysis in detail. If you have any questions prior to our future discussions, please contact Paul Gotthold, Associate Director of the Office of Pennsylvania Remediation at [[HYPERLINK "mailto:gotthold.paul@epa.gov"](mailto:gotthold.paul@epa.gov)] or (215) 814-3410 or Kelly Bunker, Region 3 PCB Coordinator at [[HYPERLINK "mailto:bunker.kelly@epa.gov"](mailto:bunker.kelly@epa.gov)] or (215) 814-2177.

Sincerely,

John A. Armstead, Director
Land and Chemicals Division



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